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Attorneys for Shellpoint Mortgage Servicing

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re  
SCHULTE PROPERTIES LLC,  
Debtor.

Case No. 18-12734-mkn

Chapter 11

**SUPPLEMENTAL DECLARATION OF  
SHELLPOINT MORTGAGE  
SERVICING IN SUPPORT OF MOTION  
FOR PROTECTIVE ORDER OR, IN  
THE ALTERNATIVE, MOTION FOR  
MODIFICATION OF SUBPOENA [DKT  
NO. 862]**

I, Daniella Banks declare:

1. I am over the age of 18 and am employed as a/an bankruptcy manager by  
Shellpoint Mortgage Servicing ("Shellpoint") in this proceeding. I have personal knowledge of the  
matters set forth in this declaration and, if called upon to testify, could and would competently  
testify thereto.

2 As part of my job responsibilities for Shellpoint, I have personal knowledge of and  
am familiar with the records maintained by Shellpoint in connection with this matter and the  
procedures for creating those types of records. I have access to and have reviewed the books,  
records, and files of Shellpoint that pertain to this matter.

3. The information in this declaration is taken from Shellpoint's business records regarding this case. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; and (b) kept in the course of Shellpoint's regularly conducted business activities. It is the regular practice of Shellpoint to create and maintain such records.

4. Shellpoint acquired servicing rights for ten (10) loans (the "Subject Loans") encumbering the real properties (collectively the "Properties") described below:

<u>Loan Number</u>	<u>Property</u>	<u>Law Firm</u>
xxxx5888	2614 Sweet Leilani	Aldridge Pite
xxxx3594	5609 San Ardo	ZBS Law
xxxx5845	5709 Ridgetree	Aldridge Pite
xxxx2256	8216 Peaceful Cyn	Aldridge Pite
xxxx6860	956 Ostrich Fern	Aldridge Pite
xxxx4232	1013 Golden Hawk	ZBS Law
xxxx5215	1701 Empire Mine	Aldridge Pite
xxxx6861	1392 Echo Falls	Aldridge Pite
xxxx7197	3729 Discovery Crk	Aldridge Pite
xxxx5214	3383 Cloverdale	Aldridge Pite

5. Shellpoint (or its predecessors in interest) filed *Proofs of Claims* in the Bankruptcy Case. The Claims included all loan documents and pre-petition payment histories. To date, the Debtor has yet to object to any of the Claims. As a result, the Debtor is already in possession of all loan documents and pre-petition payment histories for the Subject Loans.

6. During the discovery period, the Debtor served multiple *Requests for Production of Documents* ("Discovery Requests") on Shellpoint.

1           7.       From January 2020 – June 2020, Shellpoint responded to the Discovery Requests  
2 with thousands of pages of documents (“Discovery Responses”).<sup>1</sup> Specifically, Shellpoint  
3 provided counsel with copies of the loan documents, filed claims, filed pleadings, payment  
4 histories, monthly statements, escrow statements, and communications with the borrower for each  
5 Loan to serve on the Debtor.

6           8.       Prior to a court-ordered Judicial Settlement Conference, on February 18, 2021,  
7 Shellpoint submitted a copy of its revised accounting spreadsheet to counsel (“Shellpoint  
8 Accounting”) pursuant to the Amended Settlement Order. Notably, Shellpoint’s Accounting  
9 reflected all payments received and applied since acquisition of each Subject Loan. Accordingly,  
10 the Debtor is already in possession of a detailed accounting for each Subject Loan.

11           9.       On or about May 28, 2021, the Debtor filed a *Notice of Issuance of Subpoena*  
12 *Duces Tecum* (“Subpoena”) requesting production of documents from twenty-seven (27) loan  
13 servicers/creditors, including Shellpoint for the Subject Loans.

14           10.      On June 11, 2021, Shellpoint filed a *Motion for Protective Order or, in the*  
15 *Alternative, Motion for Modification of Subpoena* (“Motion”). (Dkt No. 862). In the Motion  
16 Shellpoint asserted the Parties already engaged in extensive discovery, including production of  
17 documents, following the hearing on approval of the Disclosure Statement in 2019. Specifically,  
18 Shellpoint responded to Requests for Production of Documents, and provided Debtor with  
19 hundreds of pages of documents at great time and expense. Further, Shellpoint provided the  
20 Debtor with updated reinstatement, payoffs, and accountings prior to the Judicial Settlement  
21 Conference in February 2021. The Debtor now seeks production of the same documents. As a  
22 result, Shellpoint asserted the documents Debtor requested were either: (i) already produced by  
23 Shellpoint; (ii) equally available to the Debtor; or (iii) objectionable as outlined in Shellpoint’s  
24 Responses to the original production requests.

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27  
28 <sup>1</sup> With the exception of the San Ardo Property, Discovery Creek Property, and Peaceful Canyon Property as Shellpoint did not receive Discovery Requests from Debtor.

1 11. On or about August 13, 2021, Shellpoint provided counsel with additional  
2 documents to produce to the Debtor, including updated monthly statements, and monthly  
3 statements received from prior servicers on the Subject Loans.

4 12. Shellpoint believes it produced all available documents listed in the Subpoenas to  
5 the Debtor. Further, if Shellpoint sent statements or communications to the Borrower through  
6 regular servicing, she should have access to the same. If a given Loan is de-escrowed, escrow  
7 statements are unavailable. Finally, Shellpoint provided the Debtor with the monthly statements  
8 issued by the prior servicers to the extent said statements are in Shellpoint's possession.

9 13. Shellpoint has incurred attorneys' fees and costs in responding to the discovery  
10 dispute.

11 I declare under penalty of perjury under the law of the United States of America that the  
12 foregoing is true and correct and that this declaration was executed at Greenville (city),  
13 SC (state) on Oct 25, 2021.

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17 Danielle Banks  
Name

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19 Bankruptcy Manager  
Title  
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**CERTIFICATE OF SERVICE**

I, Lauren Timby declare that:

I am employed by Aldridge Pite, LLP. My business address is: 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933. I am over the age of eighteen years and not a party to this cause.

On October 27, 2021, I caused the **Supplemental Declaration of Shellpoint Mortgage Servicing in Support of Motion For Protective Order Or, In The Alternative, Motion For Modification Of Subpoena [Dkt No. 862]** to be served on the parties listed herein via electronic means through the Court's CM/ECF system or by placing a copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail, addressed as follows:

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/s/ Lauren Timby